

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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TIMOTHY CHEROTTI,

Plaintiff,

-against-

20 **CIVIL** 11102 (SLC)

DEFAULT JUDGMENT

EXPHAND, INC., a Delaware corporation, and FRANK
NEMIROFSKY, individually and in his capacity as director
and officer of Exphand, Inc.,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated August 28, 2023, the Motion is GRANTED IN PART and DENIED IN PART as follows: 1. The Motion is DENIED with respect to: a. the Unjust Enrichment, Conversion, Fraud, and Fraudulent Conveyance Claims; and b. Cherotti's requests for entry of an equitable lien or constructive trust and for awards of punitive damages, attorneys' fees, and costs. 2. The Motion is GRANTED with respect to the Breach of Contract Claim. 3. Defendants' Second Answer is STRICKEN. 4. Default judgment is ENTERED against Defendants, jointly and severally, and Cherotti is awarded (i) compensatory damages in the amount of \$1,352,237.31; (ii) prejudgment interest in the amount of \$323,427.10; and (iii) post-judgment interest pursuant to 28 U.S.C. § 1961. Judgment is entered in favor of Cherotti and against Defendants, jointly and severally, in the amount of \$1,675,664.41; accordingly, the case is closed.

Dated: New York, New York

August 29, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mango

Deputy Clerk